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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/486,545

Filing Date: September 01, 2000

Appellant(s): CROSBY ET AL.

Brian J. Cromarty
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed Mar. 14, 2005.

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(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

Are claims 1-3, and 5-14 properly rejected as being unpatentable under 35 U.S.C. 103(a) over Rowe et al. (U.S. Patent No. 5,812,123)?

Is claim 4 properly rejected as being unpatentable under 35 U.S.C. 103(a) over Rowe et al. (U.S. Patent No. 5,812,123) in view of Montalbano (U.S. Patent No. 5,918,237)?

(7) Grouping of Claims

The rejection of claims 1-14 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

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(8) *ClaimsAppealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

5,812,123	Rowe et al.	Sep. 22, 1998
5,918,237	Montalbano	Jun. 29, 1999

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, and 5-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe et al. (U.S. Patent No. 5,812,123).

As to claim 1, Rowe teaches a system for navigating within a display having one or more display sections, comprising:

means for selecting a section of said display (e.g., col. 16 lines 13-29, and fig. 7);
means for navigating said first section of said display (e.g., col. 15 lines 5-20, and fig. 7);

control means for displaying a navigational symbol on a border of a selected section (elements 67 figs. 7-8), said symbol corresponding to a direction in which a highlight may be moved (fig. 7); and

said control means moves said highlight to a second of said display (e.g., col. 10 lines 46-67) in said corresponding direction in response to the steps of highlighting said navigational symbol on said border of said first selected section and selecting said navigational symbol (e.g., col. 10 lines 46-67, and figs. 7-8); although, Rowe teaches that in each program title 66 or 66' contains information icons, which can be selected by the user (e.g., col. 16 line 59-col. 17 line 10); however, Rowe does not clearly show navigating within the first section. It is well known and would have been obvious to modify the program tiles to provide more selecting information such as links, audio files, images, and etc. to give the user more detail about the current program.

As to claim 2, Rowe teaches the system of claim 1 wherein said symbol indicates an availability of an adjacent section in said corresponding direction (In response to a selected subcategory tile appearing within the viewing panel, at least one program tile representing a program associated with the selected subcategory is retrieved from the database if a program is available that is associated with the selected subcategory, e.g., col. 3 lines 34-40).

As to claim 3, Rowe teaches the system of claim 1 wherein said different sections of the display represent different frames (figs. 2, 4, 7-8).

As to claim 5, Rowe teaches the system of claim 1 wherein said control means moves said highlight in said corresponding direction to another icon in said selected section if another

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icon exists in said selected section in said corresponding direction (element 67 of fig. 8 shows the availability of all directions; however, element 67 of fig. 7 only shows 3 directions).

As to claim 6, Rowe teaches the system of claim 2 wherein said control means moves said highlight in said corresponding direction to another icon in said adjacent section if no other icon exists in said selected section in said corresponding direction (e.g., figs. 7-8).

As to claim 7, this claim is a combination of claims 1, 5, and 6. Note the rejections of claims 1, 5, and 6 above.

As to claim 8, Rowe teaches the system of claim 7 wherein said controller causes said navigational control to be displayed, if an adjacent section is available in a direction indicated by said navigational control (make selection, e.g., col. 3 lines 35-60).

As to claims 9, this is a method claim of system claim 1. Note the rejection of claim 1 above.

As to claim 10, this is a method claim of system claim 2. Note the rejection of claim 2 above.

As to claims 11 and 12, these are method claim of system claims 5 and 6. Note the rejections of claims 5 and 6 above respectively.

As to claims 13 and 14, these are method claims of claims 7 and 8. Note the rejections of claims 7 and 8 above respectively.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe et al. (U.S. Patent No. 5,812,123) in view of Montalbano (U.S. Patent No. 5,918,237).

As to claim 4, modified Rowe teaches the system of claim 1 wherein said different sections of the display but Rowe does not show the sections of the display represent different

web pages. Montalbano clearly teaches the sections represent different web pages (col. 4 lines 1-10 and figs. 3a and 6). It would have been obvious, at the time of the invention, a person with ordinary skill in the art would add this multiple-display-different web pages into Rowe's system using the same screen monitor to provide more interesting information to a user from one website to another (col. 1 lines 38-42).

(11) Response to Argument

I. Appellant's argument to Claims 1-3.

Appellant has argued that Rowe fails to teach or remotely suggest a means for navigating within the first section of the display, wherein the navigational symbols are displayed on the border of the first section of the display as recited in claim 1. Examiner disagrees with the Appellant for the following reasons:

a. The claim language states:

In claim 1, a system for navigating within a display having one or more display sections, comprising:

means for selecting a first section of said display (*it means that the user can select any section of the display, and it also means that the selected section may be divided into more sections.*);

means for navigating said first section of said display (*it means that navigating on the selected display section by using the remote control or mouse cursor perfectly read on the claim language*);

control means for displaying a navigational symbol on a border of a selected section (*it means that the navigational symbol on a border of a selected section; therefore, the selected section could not be the first section as argued by the Appellant*), said symbol corresponding to a direction in which a highlight may be moved (*the claim language does not clearly explain what being highlighted; it is not claiming the highlight is inside (within) the section yet, and the term "may be moved" claimed by Appellant, it does not clearly define that the action "move" is able to move or not*); and

 said control means moves said highlight to a second section of said display (*it means moving the highlight to a second section or any next divided sections as clearly explained in the first sentence of claim 1 by the Examiner, and the claim still does not clearly bring out the highlighted sections (parts or elements) are located inside (within) the first section of the display as argued by the Appellant. After reviewing the Appellant's argument wherein the argument based on the support of the Appellant's specification and drawings (fig. 1A of the specification), the claim limitations are not recited correctly as argued by the Appellant*) in said corresponding direction in response to the steps of highlighting said navigational symbol on said border of said first selected section and selecting said navigational symbol (*by selecting the navigational symbol(s) on the border of the display, the user can move the highlight in different directions, and again, the claim still does not clearly bring out the highlighted sections (parts or elements) are located inside (within) the first section of the display as argued by the Appellant*).

b. In Rowe's reference, Rowe teaches a system for navigating within a display 50 (figs. 2-6) having one or more display sections such as 58 and 60.

- i. The section 58 of the display is the active viewing panel, and it is mounted on a fixed location on the central portion of the schedule display 50 (col. 7 lines 50-51). The display section 58 includes the focus frame 60, subcategory tiles 64, and program descriptions 66. If the active viewing 58 is selected, the user can tab or navigate along the sections horizontally (col. 7 lines 44-50, and figs. 2-4). Because the display section 58 is fixed, the entire section 58 is stayed at the same location. It does not move vertically to the next section by using the navigation symbols 67 as showed in fig. 2
- ii. The section 60 of the display is the focus frame surrounding the selected category Sport (col. 8 lines figs. 2-6). If the focus frame 60 is selected, the entire Sports section is stayed at the same location. It does not move vertically to the next section by using the navigation symbols 67 as showed in fig. 2, the next section such as Talk Shows, Comedies, Shopping, or Special will replace the Sports while the entire section 60 is still stayed at the display position (col. 8 lines 20-50, col. 9 lines 45-65, and figs. 2-6).

c. In response to the argument that Rowe does not teach navigation within the first section. Assumably, the claim language is clearly stated and pointed out all limitations as described in the Appellant's argument (*however, the limitations of the claims are not correctly expressed corresponding the specification as clearly analyzed and explained by the Examiner in (a) above*), the Examiner still disagrees with the Appellant's argument because Rowe clearly teaches selecting a first section of the display as shown in figs. 2 and 6; i.e. if the section Sports 60 is selected, the entire Sports section is stayed at the

same location. It does not move vertically to the next section by using the navigation symbols 67 as showed in fig. 2, the next section such as Talk Shows, Comedies, Shopping, or Special will replace the Sports while the entire section 60 is still stayed at the display position (*the explanation is clearly supported at col. 9 lines 47-59 and figs. 2-6, "By moving the focus frame 60 to the category display 52, the subscriber can select a category of programming information by scrolling the category display 52 until the category tile 62 representing the desired category appears within the viewing panel 58. By scrolling the category tiles 62 in a selected vertical direction, each category tile sequentially appears within the viewing panel 58. A category is selected when its corresponding category tile 62 appears within the frame of the viewing panel 58. In turn, this "resets" the subcategory display 54 to display subcategory tiles 64 representing subcategories associated with the selected category. The program display 56 responds to the appearance of a selected subcategory tile 64 within the viewing panel 58 by displaying one or more program tiles 66 representing programs associated with the selected subcategory if such programs are available for the selected subcategory. Thus, the viewing panel 58 can display tiles representing the selected category, subcategory, and program.*"); therefore, the Rowe's invention still reads on the claim language by showing how to navigate inside (within) the first section.

Figs. 3-4 also show how to move to the next section of the selected display by moving the highlight directional symbols horizontally located at the border of the selection; therefore, the Rowe's invention clearly discloses the features of selecting the

navigation symbols at the border of the selected section, and moving to the next section as claimed by the Appellant.

II. Appellant's argument to Claims 5-6:

Appellant has argued that Rowe fails to teach moving the highlight in the corresponding direction to another icon (or next icon) in the selected section. Examiner disagrees with the Appellant for the following reasons:

- In claim 5, the claim language states:

The system wherein said the control means moves said highlight in said corresponding direction to another icon in said selected section if another icon exists in said selected section in said corresponding direction (*it means that the user can move the highlight in the to another icon if the icon exists, and the “if” condition also means that there is no movement of the highlight if the other icon does not exist. Claim 6 has the same “if” condition.*)

- i. According to Microsoft Computer Dictionary, Copyright 2002, page 263.

A definition of an icon is "*a small image displayed on the screen to represent an object that can be manipulated by the user.*" In figs. 2-6, Sports 60 and Basketball are considered as icons because they are image objects and can be manipulated by the user.

- ii. The whole Sports section including the focus frame 60, subcategory tiles 64, and program descriptions 66 is selected (not just the focus frame 60), and the next sections (or can be icons) of the selected display by moving the highlight directional symbols horizontally located at the border of the sections. The user

can tab, move or navigate along the sections horizontally (col. 7 lines 44-50, and figs. 2-4); therefore, the features of selecting the navigation symbols at the border of the selected sections (icons), and moving to the next icon(s) as claimed by the Appellant.

- In claim 6, the claim language states:

The system wherein the control means moves said highlight in said corresponding direction to another icon in said adjacent section if no other icon exist in said selected section in said corresponding direction (*it means that the user can move the highlight in the to another icon if the icon exists the adjacent section, and the “if” condition also means that there is no movement of the highlight if the other icon does not exist*).

The Examiner disagrees with the following reasons:

Rowe teaches that in each program title 66 or 66' contains information icons (figs. 2 and 6), which can be selected by the user (e.g., col. 16 line 59-col. 17 line 10), and the whole section 66 can be treated as one icon as explained in claim 5 above. The Examiner has rejected the claims under 35 U.S.C. 103(a) as being unpatentable over Rowe to prove that it would have been well known and obvious to a person of ordinary skill in the art at the time of the invention to modify every icon or item of the display to provide more selecting information such as links, audio files, images, and etc. to give the user more detail about the current program (note the rejection of claim 1 above). As the result, if links, audio files, images, or thumbnails are represented as icons or items, which can be selected or navigated within the selected section by using the user remote control or other

pointing devices. The next section of the display will have a similar concept of navigating, and so on.

III. Appellant's argument to Claims 7-8, 11-12, and 13-14:

Appellant has argued that Rowe fails to teach moving the highlight to a visible icon if one exists or alternatively moving the highlight to a navigational control if the visible icon does not exist. Examiner disagrees with the Appellant for the following reasons:

Rowe teaches if the vertical (up or down) navigational control symbol 67 as shown in fig. 2 is selected for scrolling to replace the other information on the list such as Special, Shopping, Talk Shows, or Comedies to display in the element 60; when it reaches the top or bottom of the list, there will be only available navigation symbols either up or down, and left or right on the element 60. For example, element 67 of fig. 8 shows the availability of all directions; however, element 67 of fig. 7 only shows 3 directions.

IV. Appellant's argument to Claims 9-10:

Appellant has argued that Rowe fails to disclose only navigational icons on the border of a selected display section which indicate neighboring display sections that could be selecting an arrow key on the remote control. Examiner disagrees with the Appellant for the following reasons:

Rowe teaches that fig. 5 is an illustration of the face of a remote control unit for controlling selected features of the schedule display. The control button 70 is preferably implemented as a rocker-type switch which can be operated in four distinct positions represented by the navigation keys 70a-d (e.g., col. 8 line 66-col. 9 line 33 recites "*the Referring now to FIGS. 1, 2 and 5, the remote control unit 40 can transmit instructions to the set-top converter* 32

to allow the subscriber to (1) move the focus frame 60 to one of the displays 52, 54, or 56, and (2) scroll the tiles of the selected display. The face of the remote control unit 40 includes a control button 70 having navigation keys 70a-d for inputting commands to control features of the schedule display 50. This control button 70 is preferably implemented as a rocker-type switch which can be operated in four distinct positions represented by the navigation keys 70a-d. Navigation keys 70b and 70d control the position of the focus frame 60 along the viewing panel 58 and navigation keys 70a and 70c control the scrolling operations of the displays 52, 54, and 56. Specifically, by pressing the navigation key 70b, the remote control unit 40 transmits a command to move the focus frame 60 to the right. In similar fashion, user selection of the navigation key 70d initiates a transmission of a command to move the focus frame 60 to the left. Navigation key 70a allows the subscriber to move the tiles of the selected display in an up direction, whereas navigation key 70c moves the tiles of the selected display in a down direction. The navigation keys 70a-d are preferably shaped in the form of an arrow to define the directional control functions associated with these command keys. The remote control unit 40 can include additional keys or buttons for inputting commands to control other operations of the set-top converter 32 or the receiving device 34."

V. Appellant's argument to Claim 4:

Appellant has argued that Montalbano fails to disclose the sections of the display represent different WebPages and the mean for navigating within the first section of the display. Examiner disagrees with the Appellant for the following reasons:

Montalbano clearly teaches the URLs bookmark using on the Web Browser (Internet Explore or Netscape) for storing the favorite Web Pages. When one of the URLs of the

bookmark is selected, that associated web page will be loaded and displayed to the user (col. 4 lines 1-10, figs. 1-3). It would have been well known that Montalbano's Web Brower as shown in figs. 1-3, which the user can utilize the mouse or arrow keys on the keyboard to navigate among the URLs bookmark list; therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to add this multiple-display-different web pages into Rowe's system using the same screen monitor to provide more interesting information to a user from one website to another (Montalbano, col. 1 lines 38-42).

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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May 30, 2005



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